

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that this action be dismissed with prejudice for failure to comply with a court order pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Dkt. No. 12). Plaintiff, a civilly committed individual, asserted that he was denied safe and sanitary conditions because on two occasions sprinklers from upstairs flooded his cell. The Magistrate Judge advised Plaintiff that his complaint as drafted failed to state a claim for relief and provided him time to file an amended complaint. (Dkt. No. 9). Plaintiff filed no response and the R & R then followed.

Plaintiff was advised that he had 14 days to file objections to the R & R and the failure to file timely objections would result in limited review by the District Court and waiver of his right to appeal the decision of the District Court. (Id. at 5). Plaintiff filed no objections to the R & R.

The Court has reviewed the R & R and other orders of the Magistrate Judge, the full record in this matter, and the relevant legal authorities. The Court finds that the Magistrate Judge ably summarized the factual and legal issues in this matter and correctly concluded that

this action should be dismissed with prejudice, without further leave to amend, and without issuance and service of process. Therefore, the Court **ADOPTS** the R & R (Dkt. No. 12) as the order of the Court and **DISMISSES** this action with prejudice, without further leave to amend, and without service and issuance of process.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

May 1, 2023
Charleston, South Carolina